



THEM BEFORE US  
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Dear Chair Breen and members,

Them Before Us is a nonprofit committed to defending children's rights to their mothers and fathers. We are writing in opposition to HBs 5207–5215 because of the significant and lasting harm that they pose to Michigan's most vulnerable citizens—children. We urge you to consider their rights and the suffering that arises when these rights are violated.

This package of bills violates children's rights in a number of ways. First, surrogacy and third-party reproduction violate children's right to life. Both surrogacy and third-party reproduction rely on in-vitro fertilization (IVF), a practice of creating lives outside the womb that can only be sustained inside the womb. It is a violation of human dignity to place a group of people in charge of whether or not a fellow human lives, dies, or continues to develop. These human lives are left in limbo, at the mercy of an unregulated industry.

The majority of IVF clinics engage in genetic screening to weed out "less desirable" embryos,<sup>1</sup> despite the questionable accuracy of these screenings, and in 2015 it was estimated that almost half of the clinics offering genetic screening allowed couples to discard embryos on the basis of sex.<sup>2</sup> The death toll from IVF exceeds that of abortion,<sup>3</sup> and, while the exact number is unknown, it is estimated that the number of embryos who have been abandoned to a frozen fate by commissioning parents in the U.S. is in the millions.<sup>4</sup> This number continues to grow every year.

If a child of surrogacy is one of the 7% who are born alive, she will lose the only person she has ever known upon birth.<sup>5</sup> When she is inconsolable because she misses her birth mother—the only person whose voice, smell, and heartbeat she knows—and is unable to express her longing, she will be called colicky. The reality is that she is traumatized.

It is one thing for a child to lose her mother due to tragedy. It is something else entirely when this trauma is inflicted purposefully and commercially. The adults involved may have consented to the terms of the contract, but a child would never consent to losing her biological mother, her birth mother, or being raised in a motherless home.

Children are people, not commodities. They have a right to be born free, not bought, sold, swapped, traded, or designed. And yet, this is the reality of surrogacy and donor conception. Brian, a product of surrogacy wrote, "Babies are not commodities. Babies are human beings.

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<sup>1</sup> <https://www.nature.com/articles/gim2008104>

<sup>2</sup> <https://embryo.asu.edu/pages/use-reproductive-technology-sex-selection-nonmedical-reasons-2015-ethics-committee-american>

<sup>3</sup> <https://www.dailymail.co.uk/news/article-2255107/1-7-million-embryos-created-IVF-thrown-away-just-7-cent-lead-pregnancy.html>

<sup>4</sup> <https://www.nbcnews.com/health/features/nation-s-fertility-clinics-struggle-growing-number-abandoned-embryos-n1040806>

<sup>5</sup> <https://simplerurrogacy.com/blog/what-can-a-surrogate-expect-in-the-delivery-room/> and <https://surrogate.com/surrogates/pregnancy-and-health/surrogacy-birth-experience/>



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How do you think this makes us feel to know that there was money exchanged for us?"<sup>6</sup> Olivia, another child of surrogacy put it this way: "I lived it as an abandonment. I feel as if I was abandoned by my birth mother... as I was sold. There's nothing worse than for a child to feel that at one moment in my life I was literally sold for a check."<sup>7</sup>

Additionally, a child of surrogacy or third-party reproduction is denied their right to one or both of their biological parents. Ellie, a woman conceived via sperm donation, wrote,

I was born as the result of a profit-driven medical clinic selling parental rights without regard for what is best for the end product, the child produced... We, the donor conceived, are being denied some pretty basic human rights. We are commodified, existing only because our biological parent was willing to sell genetic material in order to make someone else a parent... We are denied medical family histories, histories that might one day save our lives, as well as genealogical histories that would help us piece together our identities.<sup>8</sup>

Ellie is not alone. According to one study, 70% of donor-conceived adults believe that society should end the practice of gamete donation and 62% said they found the practice to be unethical.<sup>9</sup> Another donor conceived individual said, "My heart bleeds daily for my unknown family. My life had a price and I am the one who bears the consequences." Children conceived via third-party reproduction experience the same genealogical bewilderment and longing for their biological family that adoptees experience.<sup>10</sup> The crucial difference is that adoption seeks to mend this familial wound. elevates the needs of the child. Surrogacy and third-party reproduction inflicts that familial wound.

Denying children the right to their own biological mother and father insists that children sacrifice their rights and well-being for the sake of adult desires.. As one donor conceived woman put it, "This is not a new way of creating families, it's a new way of ripping them apart." The voices of those who are most deeply affected by these practices must be considered. We urge you to vote against these bills and in favor of the rights of Michigan's children.

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<sup>6</sup> <https://thembeforeus.com/brian-c/>

<sup>7</sup> <https://thembeforeus.com/olivia-were-trading-with-humans-were-selling-humans-were-buying-uteruses-it-should-be-abolished-world-wide/>

<sup>8</sup> <https://thembeforeus.com/ellie/>

<sup>9</sup> <https://bioethics.hms.harvard.edu/journal/donor-technology>

<sup>10</sup> <https://fluxconsole.com/files/item/441/56197/My-Daddys-Name-is-Donor-Full-Study.pdf>